

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION ONE

AB REALTY ONE, LLC,)	No. ED101457
)	
Plaintiff/Respondent,)	Appeal from the Circuit Court of
)	St. Louis County
vs.)	
)	Honorable Dale W. Hood
MIKEN TECHNOLOGIES, INC.,)	
)	Filed: July 31, 2015
Defendant/Appellant.)	

Miken Technologies, Inc. (“Miken”) appeals the judgment of the trial court in favor of AB Realty One, LLC (“AB Realty”) on AB Realty’s petition for breach of a lease agreement. Miken argues the trial court misapplied the law in determining it breached the lease for the 2011 and 2012 terms by failing to pay common area utilities and other maintenance expenses. Miken also argues there is no substantial evidence to support the court’s factual findings and award of damages.

AFFIRMED IN PART, REVERSED IN PART, AND REMANDED.

DIVISION ONE HOLDS: The trial court erred in construing the terms of the 2011 lease agreement in favor of AB Realty, and awarding AB Realty damages for breach of the 2011 lease. Furthermore, there was no substantial evidence to support the specific apportionment of damages to justify the court’s award of damages for Miken’s breach of the 2012 lease agreement. We, therefore, reverse the judgment, and remand with instructions to recalculate the total award in a manner consistent with this opinion.

Opinion by: Lisa S. Van Amburg,
Lawrence E. Mooney, P.J. and Clifford H. Ahrens, J. concur.

Attorneys for Appellant: Neill, Joseph V, co-counsel Sean Michael Rapp

Attorney for Respondents: Jerry Stephen Jacko

<p>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</p>
